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I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on June 3, 1999 to facsimile number (703) 305-7401. _____ H. Mumler

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Turpen, *et. al.*

Appl. No. 09/057,016

Filed: April 7, 1998

For: **PRODUCTION OF PEPTIDES IN
PLANTS AS VIRAL COAT PROTEIN
FUSIONS**

Art Unit: 1649

Examiner: David T. Fox

Atty. Docket: 08010087US01

Copy
of
Suppl
resp

SUPPLEMENTAL RESPONSE TO FINAL OFFICE ACTION

BOX AF

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

received
6/4/99
DJF

Pursuant to Examiner Fox's instruction during an interview between the Examiner and Applicants dated June 3, 1999, Applicants are submitting this supplemental response to supplement the Response to Final Office Action filed on June 1, 1999.

RESPONSE

Terminal Disclaimer

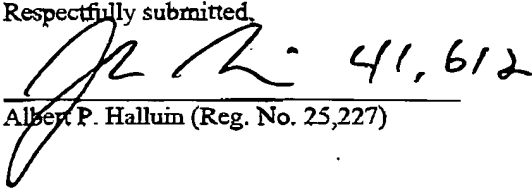
Applicants are submitting herewith a terminal disclaimer under 37 CFR §1.321 (c) to disclaim the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of U.S. Application 08/324,003, filed October 14, 1994. Please charge the terminal disclaimer fee of \$55.00 under 37 CFR §1.20 (d) to the Howrey and Simon Deposit Account No. 08-3038.

Substitute Declaration

Applicants are submitting a courtesy copy of a Substitute Declaration filed on September 2, 1998. A copy of the post card receipt is also submitted to evidence that the Substitute Declaration has been received by the Patent and Trademark Office. This Substitute Declaration has correctly claimed benefit under 35 U.S.C. §120 of all prior applications.

Respectfully submitted,

Date: June 4, 1999


Albert P. Halluin (Reg. No. 25,227)

HOWREY & SIMON

Box No. 34
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2402
(650) 463-8100

EXPRESS MAIL NO. EL185309291US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

In re application of:

Thomas H. Turpen, Stephen J. Reini,
Laurence K. Grill

Application Serial No.: 09/057,016

Filed: April 7, 1998

For: **PRODUCTION OF PEPTIDES IN
PLANTS AS VIRAL COAT PROTEIN
FUSIONS**

Group Art Unit: 1649

Examiner: Fox, D.

Attorney's Docket No. 00801.0087.US01

RESPONSE TO REQUEST FOR SUBSTITUTE DECLARATION

Group Art Unit 1649
Assistant Commissioner for Patents
Washington, D.C. 20231

received
6/4/99

Sir:

DT

In the Office Action mailed August 3, 1998, the Examiner requested that a Substitute Declaration be submitted. Applicants have attached a Substitute Declaration that includes all of the parent applications referred to in the Application and Preliminary Amendment, both filed April 7, 1998.

Respectfully submitted,

Date: September 2, 1998

HOWREY & SIMON
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Albert P. Halluin (Reg. No. 25,227)

COPY

Combined Declaration and Power of Attorney for Patent Application

Docket Number: 00801.0087.US01

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled **PRODUCTION OF PEPTIDES IN PLANTS AS VIRAL COAT PROTEIN FUSIONS**, the specification of which is attached hereto unless the following box is checked:

■ was filed on April 7, 1998
 as United States Application Number or PCT International Application Number 09/057,016; and
 was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION(S)			
Application No.	Country	(Day/Month/Year/Filed)	Priority Claimed
			Yes No
			Yes No
			Yes No
			Yes No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Application No.	Filing Date

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.	Filing Date	(Status - patented, pending, abandoned)
08/324,003	October 14, 1994	Pending
08/176,414	December 29, 1993	Allowed
07/997,733	December 30, 1992	Abandoned
08/184,237	January 19, 1994	Patent No. 5,589,367
07/923,692	July 31, 1992	Patent No. 5,316,931
07/600,244	October 22, 1990	Abandoned

Application Serial No. 09/057,016
Attorney's Docket No. 00801.0087.US01

07/641.617	January 16, 1991	Abandoned
07/737.899	July 26, 1991	Abandoned
07/739.143	August 1, 1991	Abandoned
07/310.881	February 17, 1989	Abandoned
07/160.766	February 26, 1988	Abandoned
07/160.771	February 26, 1988	Abandoned
07/347.637	May 5, 1989	Abandoned
07/363.138	June 8, 1989	Abandoned
07/219.279	July 15, 1988	Abandoned

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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Michael J. Songer, Reg. No. 39,841

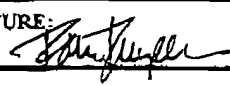
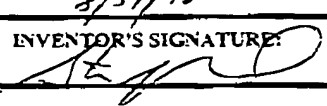
Send Correspondence to:

Albert P. Halluin
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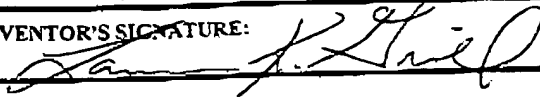
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR: THOMAS H. TURPEN	CITIZENSHIP: USA
RESIDENCE: VACAVILLE, CALIFORNIA, USA	DATE: 8/31/98
POST OFFICE ADDRESS: 3333 VACA VALLEY PARKWAY, VACAVILLE, CALIFORNIA, 95688, USA	INVENTOR'S SIGNATURE: 
FULL NAME OF SECOND INVENTOR: STEPHEN J. REINL	CITIZENSHIP: USA
RESIDENCE: SACRAMENTO, CALIFORNIA, USA	DATE: 8/31/98
POST OFFICE ADDRESS: 3333 VACA VALLEY PARKWAY, VACAVILLE, CALIFORNIA, 95688, USA	INVENTOR'S SIGNATURE: 

Application Serial No. 09/057,016
Attorney's Docket No. 00801.0087.US01

FULL NAME OF THIRD INVENTOR: LAURENCE K. GRILL	CITIZENSHIP: USA
RESIDENCE: VACAVILLE, CALIFORNIA, USA	DATE: 8/31/98
POST OFFICE ADDRESS: 3333 VACA VALLEY PARKWAY, VACAVILLE, CALIFORNIA, 95688, USA	INVENTOR'S SIGNATURE: 

(Supply similar information and signature for subsequent joint inventors, if any)

COPY

Express Mail No.: EL185309291US
Date Mailed: September 2, 1998

Due Date: —
Atty. Docket: 00801.0087.US01

Applicants: Turpen *et al.*

Title: **Production of Peptides in Plants as Viral Coat Protein Fusions**

Group Art Unit: 1649
Filing Date: April 7, 1998

Application No.: 09/057,016
Examiner: Fox, D.

Group Art Unit 1649
Assistant Commissioner for Patents
Washington, DC 20231

SIR:

Please place the U.S. Patent and Trademark Office date stamp hereon to acknowledge receipt of the following:

Express Mail No.: EL185309291US
Date Mailed: September 2, 1998

Due Date: —
Atty. Docket: 00801.0087.US01

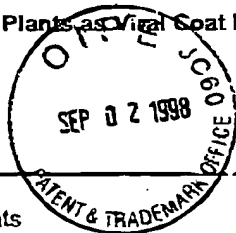
Applicants: Turpen *et al.*

Title: **Production of Peptides in Plants as Viral Coat Protein Fusions**

Group Art Unit: 1649
Filing Date: April 7, 1998

Application No.: 09/057,016
Examiner: Fox, D.

Group Art Unit 1649
Assistant Commissioner for Patents
Washington, DC 20231



SEP 11 1998

SIR:

Please place the U.S. Patent and Trademark Office date stamp hereon to acknowledge receipt of the following:

1. Response to Request for Substitute Declaration (1 page);
2. Original Declaration executed by the inventors (3 pages);
3. Return post card.

DOCKETED

JAB

DOCKETED-VIS

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FACSIMILE COVER SHEET

Facsimile Number: (650) 463-8400

DATE: 6/4/99**RECEIVED**

TO:

JUN 07 1999

NAME: Examiner David FoxCOMPANY: US PTO - Group Art 1649

TECH CENTER 1600/2900

CITY/STATE: Washington, D.C.FAX NO: (703) 305-7401

FROM:

NAME: Albert P. HalluinNUMBER OF PAGES, INCLUDING COVER: //TELEPHONE CONFIRMATION NUMBER: (703) 308-0280USER ID: 5049CHARGE NUMBER: 00801.0087☐ ORIGINAL WILL FOLLOW VIA:☐ Regular Mail☐ Overnight Delivery☐ Hand Delivery☐ Other: _____☒ ORIGINAL WILL NOT FOLLOW**SUPPLEMENTAL MESSAGE:**

Re: Serial No. 09/057,016 Turpen et al.

Attached is the SUBSTITUTE Supplemental Response to the Final Office Action. Please call John Bendrick at 650-463-8145 to confirm receipt.

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